

REGULAR MEETING

April 12, 1993

The Regular Meeting of the Annapolis City Council was held on Monday, April 12, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Johnson offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden, DeGraff, Moyer

Staff present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore, Finance Director Tyler

Alderman Snowden moved to approve the Minutes of 3/8/93. Seconded. CARRIED on voice vote.

Alderman Snowden moved to approve the Minutes of 3/22/93. Seconded. CARRIED on voice vote.

Mayor Hopkins presented a Proclamation to Barbara Span declaring U.S. Women's Challenge Appreciation Day.

PETITIONS, REPORTS AND COMMUNICATIONS

1. John Rice
517 Fifth Street
Annapolis, Md. 21403
Spoke regarding Resolution R-18-93.
2. Mr. Philbert
Kent Island, Md.
Spoke regarding electromagnetic fields.
3. David Lasher
179 Green Street
Annapolis, Md. 21401
Spoke regarding problems in the downtown historic district.

ACTION ON APPLICATIONS AND APPEALS

R-18-93 For the purpose of approving the application of Baltimore Gas and Electric Company for a conditional use to expand its existing "Tyler Avenue Substation" located west of the Tyler Avenue-Bay Ridge intersection in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Hammond moved to adopt R-18-93. Seconded.

Alderman Hammond moved to substitute R-18-93 Revised for R-18-93. Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-18-93 Revised as follows:

Amendment No. 1:

On page 4, line 22, immediately following "places" insert "to include the Tyler Avenue and Cedar Park substations"; and on line 25 immediately following "use" insert "and at the Cedar Park substation".

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-18-93 Revised as follows:

Amendment No. 2:

On page 4, line 38 add the following:

12. After the expansion of the substation pursuant to this Resolution, which includes two (2) [additional] 13 kV (existing) distribution lines to be installed at a later date, there shall be no future addition of transformers or feeds into the Tyler Avenue Substation; provided, however, that this condition shall not prohibit repair and/or replacement of transformers and associated equipment.

Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt R-18-93 Revised/Amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, DeGraff, Moyer

NAYS: Alderman Snowden

CARRIED: 7-1

LEGISLATIVE ACTION

1. **O-12-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the lease renewal of certain municipal property located at the City Dock to Captain Paul's Charters, for a certain period of time, at a certain rental and under certain terms and conditions, for the purpose of docking and mooring a certain boat; and all matters related to said lease.

The Economic Matters Committee reported favorably on O-12-93. The Finance Committee reported favorably with amendments on O-12-93.

Alderman Hammond moved to adopt O-12-93 on second reading. Seconded.

Alderman Hammond moved to amend O-12-93 as follows:

Amendment No. 1:

On page 2 of the Docking Lease attached to O-12-93, Item 3. Rental, add a new Subsection b. as follows and reletter accordingly:

- b. The Lessee shall agree to dock the vessel at the space designated for the period of May 1st through September 30th and in no case shall the vessel occupy the space during the Annapolis Boat Shows.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-12-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-12-93 Amended on third reading. Seconded. CARRIED on voice vote.

2. **O-13-93** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1991 dated August 1, 1991 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of

\$42,880 from funds for Gotts Court Parking Garage, Capital Project #19640, \$6,620 from funds for Traffic Signal Improvements, Capital Project #14629, and \$500 from funds for APD Roadway Parking Phase II, Capital Project #12715, to Neighborhood and Mini Parks, Capital Project #13594; and all matters relating to said use.

Alderman Moyer moved to adopt O-13-93 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, DeGraff, Moyer
NAYS: Alderman Snowden
CARRIED: 7-1

Alderman Johnson moved to adopt O-13-93 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, DeGraff, Moyer
NAYS: Alderman Snowden
CARRIED: 7-1

3. **O-14-93** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1991 dated August 1, 1991 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$288,180 - \$138,180 from Water Shed Management, Capital Project #11565, \$100,000 from Eastport Bridge Water Main, Capital Project #19721, and \$50,000 from Pump Station Improvement, Capital Project #19681; \$20,670 to Citywide Path Network, Capital Project #13589, \$21,570 to Neighborhood Parks, Capital Project #13594, \$11,450 to Spa/West Park, Capital Project #13669, \$84,490 to City Hall Renovations, Capital Project #15544, \$100,000 to West Street Water Valves, Capital Project #19549, and \$50,000 to Conduit Street Sewer, Capital Project #19720; and all matters relating to said use.

Alderman Johnson moved to adopt O-14-93 on first reading. Seconded. CARRIED on voice vote.

4. **O-15-93** Sponsored by Mayor Hopkins

For the purpose of authorizing a Deed of Easement from the City of Annapolis to the Chesapeake and Potomac Telephone Company of Maryland, their successors and assigns, under certain terms and conditions, over certain City-owned real property on the northeasternmost side of Duke of Gloucester Street and adjacent to the property known as 166 Duke of Gloucester Street in the City of Annapolis; and all matters relating to said Deed of Easement.

Alderman DeGraff moved to adopt O-15-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

5. **O-16-93** Sponsored by Alderman Turner

For the purpose of removing electric substations from uses allowed in certain

residential zones; and all matters relating to said electric substations.

Alderman Snowden moved to adopt O-16-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

6. **O-17-93** Sponsored by Alderman Turner

For the purpose of providing special legal counsel to the Ethics Commission; and all matters relating to said special counsel.

Alderman DeGraff moved to adopt O-17-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

7. **O-18-93** Sponsored by Mayor Hopkins

For the purpose of establishing a program for the collection of newspapers, commingled glass and metal food and beverage containers, PET-plastic bottles, HDPE-plastic milk bottles, newsprint and other materials for the purpose of recycling; establishing penalties; and all matters relating to said recycling program.

Alderman Snowden moved to adopt O-18-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees.

8. **O-19-93** Sponsored by Mayor Hopkins and Alderman Hammond

For the purpose of defining neon signs; prohibiting neon signs in certain zoning districts; and all matters relating to said neon signs.

Alderman Snowden moved to adopt O-19-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

9. **O-20-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the City of Annapolis to borrow \$485,868 from First National Bank of Maryland at a certain rate of interest and under certain terms and conditions; authorizing the City of Annapolis to use these funds for the acquisition of certain computer hardware and software; authorizing the assignment of a lien on the equipment to be conveyed to First National Bank of Maryland; authorizing the City of Annapolis to execute such other assurances as may be required to protect the City's interest in the transaction; and all matters relating to said purchase of a new City computer system.

Alderman Hammond moved to adopt O-20-93 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to dispense with the second reading on O-20-93. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-20-93 on third reading. Seconded. CARRIED on voice vote.

10. **O-21-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc., at a variable rate of rental each year, for the purpose of docking and mooring the vessel known as "Stanley Norman", for the purpose of operating environmental education field trips; and all matters relating to said lease.

Alderman Snowden moved to adopt O-21-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Finance Committees.

11. **O-22-93** Sponsored by Alderman Hammond

For the purpose of allowing certain conditional uses to be reestablished after the six month cessation period under certain circumstances; and all matters relating to said cessation of conditional uses.

Alderman Snowden moved to adopt O-22-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

12. **O-23-93** Sponsored by Mayor Hopkins

For the purpose of allowing limited expansion of certain residential planned unit developments and multifamily residential complexes; and all matters relating to said limited expansion.

Alderman Snowden moved to adopt O-23-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

13. **O-24-93** Sponsored by Alderman Gray

For the purpose of permitting height variances for single family structures in certain residential zoning districts under certain conditions; and all matters relating to said variance.

Alderman Snowden moved to adopt O-24-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

14. **O-26-93** Sponsored by Mayor Hopkins

For the purpose of approving the form and authorizing the execution, issuance, sale and delivery of a general obligation installment bond of the Borrower in a principal amount not exceeding \$2,800,000 pursuant to the authority of the Maryland Water Quality Financing Administration Act...and generally relating to the issuance, sale and delivery of such bond.

Alderman DeGraff moved to adopt O-26-93 on first reading. Seconded. CARRIED on

voice vote.

Referred to the Finance Committee.

15. **O-27-93** Sponsored by Alderman Moyer

For the purpose of amending the configuration of the Annapolis harbor line outboard of the Maryland Capital Yacht Club, adjacent to Chesapeake Landing Condominiums, at the end of Chesapeake Avenue and the Severn River; and all matters relating to said harbor line.

Alderman Snowden moved to adopt O-27-93 on first reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to suspend the rules to dispense with the second reading on O-27-93. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-27-93 on third reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. **R-8-93** Sponsored by Mayor Hopkins, Aldermen Gilmer and Snowden

For the purpose of providing the initiative for the rehabilitation and redevelopment of certain areas of the City of Annapolis; and all matters relating to said design.

Alderman Snowden moved to adopt R-8-93. Seconded.

Alderman Snowden moved to substitute R-8-93 Revised for R-8-93. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-8-93 Revised as follows:

Amendment No. 1:

On page 2, strike lines 35 through 38.

Seconded. CARRIED on voice vote.

Amendment No. 2:

On page 2, strike lines 40 through 45 and substitute the following:

AND BE IT FURTHER RESOLVED that an Inner West Street Study Group, consisting of representatives from the City Council, the Housing and Community Development Committee, the Chamber of Commerce, the Builder's Association, Historic Annapolis, Community Associations in the area, the Planning and Zoning Department and other City staff, the Inner West Street Association and property owners, be established to re-examine the Inner West Street corridor for the purpose of formulating a realistic development plan. An initial report shall be presented to the City Council no later than December 31, 1993.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-8-93 Revised/Amended. Seconded. CARRIED on voice vote.

2. **R-16-93** Sponsored by Alderman Snowden

For the purpose of requesting that the City of Annapolis Property Tax Bill include the amounts due from taxpayers for refuse collection; and all matters related to said tax bill. There being no voiced objection, R-16-93 was withdrawn by its sponsor.

3. **R-20-93** Sponsored by Aldermen Johnson, Gilmer, Snowden

For the purpose of recommending to the Board of Education of Anne Arundel County the adoption of a redistricting proposal, other than that presently recommended by the Superintendent, which supports the concept of "neighborhood schooling" and equitably distributes the children of the City of Annapolis within the Annapolis Area Cluster; and all matters related to said school.

Alderman Snowden moved to adopt R-20-93. Seconded.

Alderman Snowden moved to amend R-20-93 as follows:

Amendment No. 1:

On page 2, line 39, strike "to serve its natural neighborhood in recognition of its prideful historic tradition as a significant part of the City of Annapolis".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend R-20-93 as follows:

Amendment No. 2:

On page 1, line 31, immediately following "School", add "and Parole Elementary School".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-20-93 Amended. Seconded. CARRIED on voice vote.

Alderman Moyer requested the record reflect her vote of abstention.

4. Extension of Note to First National Bank - Greenbriar

Bob Gaines, South County Residential Projects, Inc., was present and answered questions addressed by the Council.

Following discussion, Alderman Snowden moved to authorize the City Attorney to request an extension of its promissory note to First National Bank and to forego the receipt of any additional funds from the sale of remaining units in the Greenbriar project until such time as the first lien holder, Annapolis Bank and Trust, is paid in full. Seconded. CARRIED on voice vote.

The discussion revealed that this arrangement and extension of note would likely result in an unpaid balance owed by the City of Annapolis to First National Bank of approximately \$50,000 to \$70,000 after the sale of all units.

5. Risk Management Committee Minutes of 2/17/93 and 3/17/93

Alderman Hammond moved to adopt the Risk Management Committee Minutes of 2/17/93 and 3/17/93. Seconded. CARRIED on voice vote.

6. Housing and Community Development Committee Minutes of 3/24/93

Alderman Gilmer moved to adopt the Housing and Community Development Committee Minutes of 3/24/93. Seconded. CARRIED on voice vote.

7. Public Safety Committee Minutes of 2/18/93

Alderman DeGraff moved to adopt the Public Safety Committee Minutes of 2/18/93. Seconded. CARRIED on voice vote.

8. Economic Matters Committee Minutes of 3/25/93

Alderman DeGraff moved to adopt the Economic Matters Committee Minutes of 3/25/93. Seconded. CARRIED on voice vote.

9. Finance Committee Minutes of 4/1/93 with addendum

Alderman Hammond moved to adopt the Finance Committee Minutes with attached Addendum dated 4/1/93. Seconded. CARRIED on voice vote.

10. Payment of monthly bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

11. Appointments

Alderman DeGraff moved to confirm the Mayor's appointment/reappointment of the following persons as set forth in Memoranda to the Aldermen from Mayor Alfred A. Hopkins dated 4/5/93, 4/6/93, and 4/7/93:

Human Relations Commission

Hien Van Nguyen

Environmental Commission

Kate Irvine

Commission on Aging

Lillian Lee

Seconded. CARRIED on voice vote.

12. Maryland Municipal League report

Alderman Moyer gave a brief report.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:10 p.m.

Patricia L. Bembe, CMC/AAE

City Clerk